

DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. CYTOP005

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **CLASSIFYING CELLS BASED ON INFORMATION CONTAINED IN CELLS IMAGES** the specification of which,

(check one)

1. ☒ is attached hereto.
2. ☐ was filed on _____ as
U.S. Application No. _____
and was amended on _____.
3. ☐ was filed on _____ as
International PCT Application No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

| | | | Priority Benefits Claimed? |
|----------------------------|--------------------|------------------------|----------------------------|
| | | | Yes ___ No ___ |
| _____ (Application No.) | _____ (Country) | _____ (Filing Date) | |
| _____ (Application No.) | _____ (Country) | _____ (Filing Date) | Yes ___ No ___ |

Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| | |
|----------------------------|------------------------|
| _____ (Application No.) | _____ (Filing Date) |
| _____ (Application No.) | _____ (Filing Date) |

Prior U.S. Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|--|--------------------------------------|---|
| <u>09/310,879</u> (Application No.) | <u>May 14, 1999</u> (Filing Date) | <u>Pending</u> (Status - patented, pending, abandoned) |
| <u>09/311,996</u> (Application No.) | <u>May 14, 1999</u> (Filing Date) | <u>Pending</u> (Status - patented, pending, abandoned) |
| <u>09/311,890</u> (Application No.) | <u>May 14, 1999</u> (Filing Date) | <u>Pending</u> (Status - patented, pending, abandoned) |

Power of Attorney

And I hereby appoint the law firm of **Beyer Weaver & Thomas, LLP** and all practitioners who are associated with the Customer Number 022434 as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Direct Correspondence To:

Customer Number: 022434
BEYER WEAVER & THOMAS, LLP
P.O. Box 778
Berkeley, CA 94704-0778



Direct Telephone Calls To:

Jeffrey K. Weaver at telephone number (510) 843-6200.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of

Sole or First Inventor: Eugeni A. Vaisberg **Citizenship:** United States

Inventor's signature: _____ **Date of Signature:** _____

Residence: (City) Foster City **(State/Country)** CA/US

Post Office Address: 647 Pegasus Lane, Foster City, CA 94404

Second Inventor: Daniel A. Coleman **Citizenship:** United States

Inventor's signature: _____ **Date of Signature:** _____

Residence: (City) San Mateo **(State/Country)** CA/US

Post Office Address: 328 West 36th Avenue, San Mateo, CA 94403

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vaisberg et al.

Attorney Docket No.: CYTOP005

Application No.: NEW

Examiner: UNASSIGNED

Filed: HEREWITH

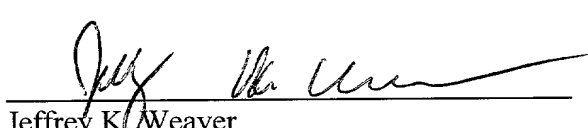
Group: UNASSIGNED

Title: CLASSIFYING CELLS BASED ON
INFORMATION

**NONPUBLICATION REQUEST AND CERTIFICATION
(35 U.S.C. 122(b)(2)(B)(i))**Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

Sir:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen (18) months after filing. I hereby request that the attached application **NOT** be published under 35 U.S.C. 122(b).

Date: 12/4/00
Jeffrey K. Weaver
Registration No. 31,314**NOTE:**

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications, eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign of international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).